

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

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SYNTHES SPINE COMPANY, L.P.,

Plaintiff,

v.

MICHAEL DULANEY,

Defendant.

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CASE NO. 3:07-CV-513-GCM

**STIPULATION OF DISMISSAL AND ORDER**

IT IS HEREBY STIPULATED AND AGREED BY ALL PARTIES THAT this action is dismissed with prejudice pursuant to a Settlement Agreement entered between them and Rule 41 of the Federal Rules of Civil Procedure. Each party shall bear his or its own costs.

The Court shall, however, retain jurisdiction to enforce the terms of the Settlement Agreement. Either party may file a petition for any alleged violation and/or requested enforcement by injunction of the Settlement Agreement, provided that such petition must be filed with the Court by January 31, 2009. If no petition is filed by that date, the Court's jurisdiction will expire.

Signed: February 13, 2008



Graham C. Mullen  
United States District Judge



IT IS SO AGREED.

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Attorneys for Defendant,  
Michael Dulaney

Dated: February 8, 2008

SO ORDERED.

The Honorable Graham C. Mullen  
United States District Court Judge

### **CERTIFICATE OF SERVICE**

I hereby certify that on this the 8<sup>th</sup> day of February 2007, the foregoing Stipulation of Dismissal and Order were served on counsel via ECF electronic mail as follows:

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